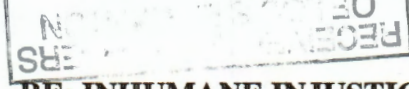


20CV 4340 (GBD)



July 13, 2020

RE: INHUMANE INJUSTICE INFLICTED ON A PRO SE LITIGANT

Hon. Judge Louis L. Stanton
 Senior District Judge
 U.S. District Court for the Southern District of New York
 Daniel Patrick Moynihan
 United States Courthouse
 500 Pearl St.
 New York, NY 10007-1312

Dear Hon. Judge Stanton,

The following is written with humility, respect, and recognition of limited knowledge, albeit the crippling damage arising from the prolonged abuse and suffering inflicted by public officials. While I recognize that the following may seem unfathomable, every assertion herein is substantiated by hard evidence available at NYSCEF Appl. Div. Case No. 2019-04206 Dockets #9, #27, #32, #36, #37, Sup. Crt. Case No. 101960-2019 #4, #20; and the Southern District of New York ("SDNY") Cases No. 20-CV-4515 and 20-CV-4340¹.

I am respectfully praying for Your Honor to: (a) recognize the callous travesty that has destroyed the life of a low-income, law-abiding, pro se litigant (b) refuse turning a blind eye to what is an assault on the integrity of the legal process (c) recognize that I have nowhere else to go. This is a plea to a conscientious Hon. Justice (to whom this case was assigned before being *cryptically transferred to a Judge with- respectfully- a blatant conflict of interest*) to prevent an epic travesty from achieving fatal ratification. The small window of opportunity for delayed justice will be permanently lost by July 23, 2020. Respectfully, to date, the judicial branch has demonstrated tolerance for Defendants overwhelming evidence of fraud, and extraordinary indifference to extreme human suffering during a global health crisis.

MY GRIEVANCE: BACKGROUND

Over the course of the last 500 days (March 1, 2019 – July 13, 2020), I've been tortured and aggrieved to the point of homelessness during the global pandemic by public officials, who have shown utter contempt for administrative integrity, lawful procedure, and basic human decency.

For the last 12,000 hours my fundamental civil and constitutional rights- as a litigant and human being- were methodically rendered null and void. As a direct result, I have suffered inexpressible horrors despite the existence of thousands of solutions: vacant, affordable-housing apartments for which I originally qualified in June 2019 (was scheduled to sign a lease on June 10, 2019), pursuant to completing a deplorable application process tainted with sweeping contempt for federal and state law from Defendants- the Department of Housing Preservation and Development ("HPD"), Breaking Ground ("BG") and the Developers.

¹ Kindly take notice that although the Appellate Division Court Clerk ("Appellate Clerk") deleted hundreds of additional incriminating documents from the record- despite desperate pleas during the peak of the pandemic- *the surviving evidence coupled by the SDNY record- substantiates the asserted herein.*

By clear and convincing evidence², I was deprived of the single affordable housing opportunity I was granted in a decade of failed efforts, solely because of (a) my ethnicity as a non-hispanic applicant (b) Defendants stomach-turning scam, in which they fraudulently embezzled hundreds of millions of dollars of affordable housing ("the Scam"). As part of the Scam, Defendants purposefully granted dozens of affordable housing apartments ("Property" or "Properties") at Waterline Square ("subject property") to egregiously-unqualified residents, while rejecting as many other applicants as they could.

Regretfully, the list of egregiously-unqualified residents includes countless New York politicians, housing executives, councilmembers, family, friends, judges, court attorneys and other privileged parties with an income that far exceeds the max income requirement for Properties. When I sent to opposing counsel a list of such residents, without any shame, these residents moved out the very next day.

Even more unbearable is the corroborated fact that nine out of the twelve Judges that have adjudicated these proceedings thus far, have lived or are currently living in multiple rent stabilized and/or affordable housing properties. Applicable housing laws limit the number of such Properties to one per household. In some cases, public records show them living in 8 such apartments. Respectfully, these facts have been corroborated by a qualified government investigative agency that is pursuing a criminal investigation. If the standard is whether impartiality can be reasonably questioned, it is stomach-turning to pretend that the aforesaid violations of affordable housing laws do not reasonably call into question the judge's impartiality in the affordable-housing case at bar.

Furthermore, for the past 367 days, I've been forced to observe in horror as the judicial branch has taken extraordinary measures, which in effect, protected and ratified Defendants Scam and endorsed Defendants rampant contempt for lawful procedure. Respectfully, is it fair for the judicial branch to deprive a litigant of his constitutional rights to an impartial judiciary that will apply the law fairly, solely due to his pro status?

DEPRIVATION OF DUE PROCESS (1): CASE STEERING

The right for due process undoubtedly includes the rights of a litigant to an impartial judiciary that will abide by the well-established precedent and procedures. Docket # 9, NYSCEF, Appl. Div. 2019-04206 EXHIBITS T, pages 370-415) proves that *the fundamental rule requiring cases to be assigned at random was corrupted*. The Supreme Court- Part 56's ("the Court") calendar proves that at a given point between 2019 and 2020, the Court was assigned an exponentially-higher number of cases involving pro se litigants (25 times more than the average), an exponentially-higher number of cases involving city agencies (8 times more than the average), as well an exponentially-higher number of special proceedings (9 times more than the average). All this, despite the Court being classified as a trial court, and as such, the Court should have received little-to-no City cases/special proceedings, and certainly not substantially more than any other part. Based on court procedures, city cases are by-default assigned to city-specific parts. Pursuant to this statically-anomaly being protested to the Chief Administrative Justice, it wasn't denied, but rather "instantly adjusted". Respectfully, is this a sufficient response upon a pro se litigant proving that three types of cases- which he matches- were unlawfully steered toward the Court?

Even more stomach turning is that Court's recent order (Docket #100 in case 101960/2019) in which the Court effectively admits that- as a designated trial part- the case should have never been assigned to it in the first place. In its order, the Court cryptically decided to transfer the related case to a designated city part- six months after it was submitted, and nearly a year after the original proceeding was

²Including but not limited to: (a) sworn affidavits from multiple whistleblowers with first-hand knowledge (b) official city transfer deeds proving fraudulent property transfers (c) corroborating findings of a public investigative agency (d) recorded statements of current residents. Please see NYSCEF Appl. Div. Case No. 2019-04206 Dockets #9, #27, #32, #33, #36, #37, Sup. Ct. Case No. 101960-2019. #4, #20.

submitted, not before crippling me one time by endorsing Defendants above-the-FOIL stance (squarely refuting the Court's own ruling one year prior). A comparable look at previous orders of the Court (for example the court's order from June 12, 2019 in Brad vs. Department of Buildings), shows that the Court arrived at the same conclusion within days.

DEPRIVATION OF DUE PROCESS (2): CONTEMPT FOR COURT PROCEDURES

The Court refused to transfer the related proceeding in express violations of the procedures stated on the Court website, before reluctantly agreeing to do so 6 months after the case is filed³.

DEPRIVATION OF DUE PROCESS (3): COURT ENDORSES ABOVE-THE-LAW STANCE

Repeatedly, The Court has endorsed Defendants above-the-law stance, by protecting their prerogative to methodically refuse to comply with a valid Freedom of Information Law request, and a flurry of other deprivations of clear legal rights pertaining to the application process, such as invoking grounds that are expressly prohibited, and refusing to explain conclusory numbers⁴. Worse yet, the Court has also pervasively set aside the well-established precedents from the Court of Appeals (Docket #27), and repeatedly misrepresented the specific allegations I asserted, and the overwhelming evidence supporting such assertions.

DEPRIVATION OF DUE PROCESS (4): THE APPELLATE CLERK'S ACTIVE SABOTAGE

On October 02, 2019, the Hon. Justice Webber ruled in my favor. Based on Defendants post-facto admission, this ruling would have forced them to settle. The order was signed, given to both parties, with return dates entered. They Defendants stated that the order should be modified. The Appellate court attorney declined by stating that any opposition had to be in writing, and with proper service, as required by due process. The parties left the Clerk's Office. Defendants called their senior partners, *who called another the chambers*. Defendants then engaged in ex-parte communication with the Appellate Court attorney. Fifteen minutes after proceedings concluded and both parties left the room, the Court Attorney proceeded to the Judge's chambers, who pursuant to more ex-parte communication, modified the order to suit the exact specifications of Defendants. I begged the Chief Clerk to intervene, to no avail. I wrote several letters to the Chief Justice, which were ignored. A clerk who witnessed the entire episode is willing to swear under oath that they have never ever seen anything so egregious in all the years working in the Appellate Division. This happened in broad daylight, in the year 2019, inside a court of law that is supposed to abide by equal protection under the law. The Appellate Clerk has also openly declared on numerous occasions their sheer contempt for Pro Se Litigants. These are just a limited number of illustrations of the sickening disregard for the very foundations of our legal process.

DEPRIVATION OF DUE PROCESS (5)

The Appellate Clerk refuses to release the record that was delivered two months ago, preventing me from perfecting my appeal (appl div. 2019-04296, docket #33). This comes pursuant to the Appellate Clerk already having declared that the appeal has been dismissed despite all parties filing a stipulation to enlarge the time to perfect.

DEPRIVATION OF DUE PROCESS (6)

Pursuant to presenting the court with hard evidence of defendants fraud, the Court issued unprecedented sanctions and gag order, without any warning, stripping me of the right to file any incriminating evidence and from filing a motion under CPLR 5105 (a) (3). immediately pursuant to this order, the court's court attorney moved out of the unlawfully-held, rent-stabilized apartment he held for the past 35 years. And on the very same day, the court attorney's neighbor- who is the appellate judge to which the appeal was assigned- moved out of an unlawfully-held affordable property interest that he held for 34 years. These facts have been confirmed and substantiated by the DOI.

³ NYSCEF Appl. Div. Case No. 2019-04206, Docket #27, pages 21-24.

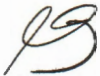
⁴ NYSCEF Appl. Div. Case No. 2019-04206, Docket #33, 101960/2019, Dockets #4, #20.

CONCLUSION

Respectfully, numerous attorneys who have looked at the facts, as proven by the record are horrified by what is clear and convincing. They also refuse to touch this case in a pro bono capacity as the record clearly shows that regardless of how strong the evidence supporting my claims, the judicial branch will do anything and everything to achieve the result they desire, even if it means obliterating the basic elements of fairness and due process. At the same time, they did state that things would be different in the SDNY, which unlike state proceedings, does not hold that pro se litigants are without the right for due process and can be abused at will. Thus, respectfully, when I filed my proper Complaint in case CV-20-4515, with proper commencement papers for which I received confirmation, and when I put together a compelling Complaint that gives a glimpse into the sickening injustice inflicted on me- I thought things would be different. At a minimum, I hoped for minimal due process. Respectfully, the three devastating blows that have already been inflicted without any explanation are horrifying enough to shock any judicial conscience. Your Honor, this result, is inhuman, unlawful, and most certainly- unethical. I am praying for help that is warranted as a matter of law ,equity , and adjudicative integrity. This case was originally assigned to Your Honor. Please don't allow for this sickening injustice to continue destroying my life. Please do not continue rewarding the sickening corruption Scam that, thus far, the judicial branch has been quick to endorse, even at the cost of sentencing an applicant into homelessness and indescribable suffering during the pandemic. Please. I've suffered so much, for so long, every minute of every day, while dozens of apartments for which I am eligible have gone to unqualified councilmembers, judges, and court attorneys , and others. Respectfully, this horrific injustice must unnerve any sensible judicial conscience.

Humbly and Prayerfully,

Abraham Gross



- APPENDIX -

Respectfully, please see note below.

~~CONCLUSION~~

I am a law-abiding citizen who was aggrieved beyond measure by the fraudulent conduct of a government agency mandated to protect integrity.

I do not have the resources available to ~~take~~ ~~the~~ ~~case~~ ~~to~~ ~~the~~ ~~court~~ ~~office~~. Even with my limited resources, I presented clear evidence of corruption and fraud. I am pleading for the kind of a response one can hope from an oversight agency sworn to protect the public interest. It is simply unbearable for such an agency to communicate to an aggrieved citizen the message of: "we are turning a blind eye, as if this never happened". To date, a partial list of the inevitable, disturbing conclusions include: (a) Defendants are above the law (b) instead of protecting the public, the oversight agencies will either turn a blind eye or worse. (c) it is ok for Defendants to bribe any public official with free luxury affordable housing. This has been the case with Council member Helen Rosenthal who moved into the adjacent property, and instantly moved out, when this information was protested. This has also been the case with two judges that have adjudicated these proceedings.

I am, respectfully, asking you (a) honor the words aforesaid and the ~~the~~ ~~case~~ ~~to~~ ~~the~~ ~~court~~ ~~office~~ commitment to eradicate corruption and fraud (b) recognize how damaging it is for a citizen to be aggrieved by these sickening crimes (c) demonstrate that city agencies and powerful real-estate developers are free to abuse and corrupt the Process (d) a chance to present to you confidential information which further substantiates the extent of these sickening crimes (e) acknowledgement and follow up.

Prayerfully,

Abraham Gross

agross2@gmail.com 917 673 1848



Your Respectfully,
I have 7 days before
the damage is irreversible.

Respectfully, this horrific injustice will become fatal on July 23, 2020, when the Defendants sickening ~~the~~ ~~case~~ ~~to~~ ~~the~~ ~~court~~ ~~office~~ ~~will~~ include a "new lottery", pursuant to ~~the~~ ~~case~~ ~~to~~ ~~the~~ ~~court~~ ~~office~~ rejecting 73,753 applicants out of 74,000. my number of priority was #103 out of 74,000.

This was my only interview in 10 years. This nightmare is sickening - while I am wrongfully rejected, the ~~the~~ ~~case~~ ~~to~~ ~~the~~ ~~court~~ ~~office~~ ~~will~~ go to judge and other.

From:

ABRAHAM GROSS
40 W 77 ST. #10C
NY, NY, 10024

NEW YORK NY 100
16 JUL 2020 PM 14 L



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UNITED STATES DISTRICT JUDGE

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To:

Hon. Judge Louis L. Stanton
United States Court House
500 Pearl St.
NY, NY, 10007

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